

EXHIBIT B

From: Jay Rapaport <jrapaport@keker.com>
Sent: Friday, June 11, 2021 4:50 PM
To: Seeve, Brian
Cc: aporto@keker.com; Singular; kvpsingular@keker.com; wgs-singularv.google@wolfgreenfield.com; abhansali@kblfirm.com; mkwun@kblfirm.com; nhueston@kblfirm.com; mkamber@keker.com; nathan.speed@wolfgreenfield.com; anant.saraswat@wolfgreenfield.com
Subject: RE: Google's Failure to Produce Documents Responsive to Singular's 2nd Set of RFPs

Brian: We are available at 1pm Pacific on Tuesday. Please circulate a dial-in.

Thanks,

Jay

Jay Rapaport

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415 676 2355 direct | 415 391 5400 main
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From: Seeve, Brian <bseeve@princelobel.com>
Sent: Thursday, June 10, 2021 6:05 PM
To: Jay Rapaport <JRapaport@keker.com>
Cc: Anna Porto <APorto@keker.com>; singular@princelobel.com; kvp-singular <kvpsingular@keker.com>; wgs-singularv.google@wolfgreenfield.com; abhansali@kblfirm.com; mkwun@kblfirm.com; nhueston@kblfirm.com; Matthias Kamber <MKamber@keker.com>; nathan.speed@wolfgreenfield.com; anant.saraswat@wolfgreenfield.com
Subject: Re: Google's Failure to Produce Documents Responsive to Singular's 2nd Set of RFPs

[EXTERNAL]

Jay -

As an initial matter, I disagree that my email is somehow inconsistent with the Court's Local Rules. The Local Rules do not prohibit sending emails (even "detailed" ones) and asking for a response. In fact, the rule you cite below doesn't relate to emails at all. Accusing opposing counsel of violating the Court's rules is a serious thing to do. I take such accusations seriously, and I ask that you take them seriously as well.

Regarding the substance of your email, I am puzzled by your claim that asking for *specific documents that are located at specific links* is somehow especially time-consuming. RFP No. 8, for example, requests simply "All documents available at go/pfc-mxu-spec" - is it Google's position that clicking on this link, downloading its contents, and producing them takes two months?

Other requests, such as Singular's request for "The final versions of the MXU micro-architecture specification for TPU v2 and TPU v3" merely ask for specific documents that Google was already obligated to produce last year, in its Initial

patent-related disclosures and in response to Singular's first set of RFPs. It is troubling that Google is only now beginning the process of collecting and producing such documents.

Let's meet and confer about these issues on Tuesday of next week. Please suggest times when you are available.

- Brian

On Jun 10, 2021, at 7:07 PM, Jay Rapaport <jrapaport@keker.com> wrote:

Brian,

This is the second time in as many weeks where Singular has sent a detailed email on discovery and demanded a near-immediate response. This is not only inappropriate, but inconsistent with the Court's local rules. See Local Rule 37.1(b) (authorizing discovery motions only where "(1) opposing counsel has failed to respond to a request for a discovery conference within the 7 day period set forth in subsection (a), (2) opposing counsel has failed to attend a discovery conference within 14 calendar days of the request, or (3) disputed issues are not resolved at the discovery conference").

As we've explained before when Singular previously demanded that Google produce documents at specific links, the process of collecting, processing, and reviewing such material can only be done manually and is labor-intensive. The process is underway and should be complete within a few weeks; we are aiming for the week after next.

As for your question about the file located at "go/perf-tco:nn-accelerators" – the file is source code and hence will be made available for inspection on a source code computer. We do not understand your basis for disputing this when you have yet to review the file. Of course, if you review the file on the source code computer and disagree that it is source code, you are free to raise the issue with us.

I am not available tomorrow, but happy to have a call next week on Tuesday or Thursday if you would like to discuss this further.

Best,

Jay

Jay Rapaport

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From: Seeve, Brian <bseeve@princelobel.com>

Sent: Wednesday, June 9, 2021 6:17 AM

To: Anna Porto <APorto@keker.com>

Cc: singular@princelobel.com; kvp-singular <kvpsingular@keker.com>; wgs-singularv.google@wolfgreenfield.com; abhansali@kblfirm.com; mkwun@kblfirm.com; nhueston@kblfirm.com; Matthias Kamber <MKamber@keker.com>; Jay Rapaport

<JRapaport@keker.com>; nathan.speed@wolfgreenfield.com; anant.saraswat@wolfgreenfield.com

Subject: Google's Failure to Produce Documents Responsive to Singular's 2nd Set of RFPs

[EXTERNAL]

Hi Anna -

I write regarding Singular's Second Set of Requests for Production. Google responded to these RFPs on May 27th, promising to provide the documents identified in each of Singular's requests. However, nearly two weeks later, Google has not produced a single responsive document. It is hard to see any justification for this delay, especially because all of Singular's requests are directed narrowly to specific documents (and many of them even provide a link—*e.g.*, "go/pfc-vpu-spec"—to the document's precise location).

First, please let us know when Google plans to provide the requested documents to Singular, as it promised to do.

Second, for each of Singular's requests in its 2nd set of RFPs individually, please answer the following questions:

- Has Google completed a "reasonably diligent search" for the requested documents? If not, when does it expect this search to be complete?
- Has Google identified any documents responsive to the request that it plans to produce? If so, how many?
- Does Google believe any documents responsive to the request have already been produced? If so, please identify all such documents by Bates number.
- Does Google plan to withhold any documents responsive to the request based on any of Google's stated objections? If so, which objections?
- Does Google plan to withhold any documents responsive to the request based on privilege?

Third, regarding request 109, Google states in its Response that "Google will make the file located at go/perf-tco:nn-accelerators available for inspection on Google's source code computer, subject to the Protective Order, ECF No. 87." However, other documents produced by Google make it clear that this file relates to financial information (*see, e.g.*, GOOG-SING-00113820), and does not include source code. Please explain why this material meets the requirements set out in the Protective Order for a designation of "Highly Confidential – Source Code."

Please provide this information **on or before Thursday, June 10th**. If Google is unable to do so, please let us know your availability this week for a meet-and-confer regarding Google's failure to meet its discovery obligations.

Regards,

Brian